

SEP 3 0 2013

D. MARK JONES, CLERK
BY

DEPUTY CLERK

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

MICHAEL AMES,
Plaintiff,

vs.

TODD CHRISTENSEN,
Defendant.

ORDER ADOPTING REPORT
AND RECOMMENDATION

Case No. 2:12-CV-481

Judge Dee Benson

Before the court is the Report and Recommendation issued by United States Magistrate Judge Paul M. Warner, recommending: (1) that Plaintiff's motion for entry of judgment against Defendant be denied; (2) that Defendant's motion for summary judgment be granted; (3) that Plaintiff's motion for summary judgment be denied; (4) that the court decline to award Defendant his attorney fees under 42 U.S.C. § 1988; and (5) that the court order the Clerk of the Court to enter judgment in favor of Defendant and close this case.

The parties were notified of their right to file objections to the Report and Recommendation within fourteen (14) days after receiving it. Neither party has filed such an objection.

Having reviewed all relevant materials, including the reasoning set forth in the Magistrate

Judge's Report and Recommendation, the court ADOPTS the Report and Recommendation.

Accordingly, the court hereby ORDERS follows:

1. Plaintiff's motion for entry of judgment against Defendant is DENIED;
2. Defendant's motion for summary judgment is GRANTED;
3. Plaintiff's motion for summary judgment is DENIED;
4. The court declines to award Defendant his attorney fees; and
5. The Clerk of the Court is ordered to enter judgment in favor of Defendant and close this case.

DATED this 30th day of September, 2013.

A handwritten signature in black ink, reading "Dee Benson". The signature is written in a cursive, flowing style. The first name "Dee" is written with a large, stylized 'D' that loops around the 'e'. The last name "Benson" is written in a more standard cursive script.

Dee Benson
United States District Judge